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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/479,985 01/10/00 FEENEY

B P-5543

024492 QM12/0530  
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EXAMINER

WONG, S

ART UNIT

PAPER NUMBER

3711

DATE MAILED:

05/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/479,985**

Applicant(s)  
**Feeney et al.**

Examiner  
**Steven Wong**

Art Unit  
**3711**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Mar 26, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above, claim(s) 17-21 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-16 and 22 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 7

20) ☐ Other:

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***Election/Restriction***

1. Claims 17-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention, the requirement having been traversed in Paper No. 5.
2. Applicant's election with traverse of claims 17-21 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the claims of Group I may also be directed to a game ball having a solid core therein. This is not found persuasive because the inventions have been shown to be distinct because the claims for the process would also require a search for a game ball having a solid core therein whereas claim 1 does not recite a core and claims 11 and 22 recite an inflatable bladder.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: those elements which go to make up the game ball. The

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preamble of the claims recites a game ball, however, the body of the claim only recites the cover.

Thus, the claims is incomplete in providing a game ball as the preamble suggests.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10-14, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry". Walker et al. disclose a basketball construction including a bladder (12), a layer of filaments (16) wound over the bladder and a cover (34) of polyurethane for the ball. However, Walker et al. lack the teaching for the polyurethane cover to be a particular type of polyurethane, specifically, vulcanized urethane gum rubber.

"Manual for the Rubber Industry" reveals the manufacturing process for vulcanized urethane gum rubber and notes its advantages. Note page 175 which states that the vulcanized urethane gum rubber possesses "particularly good mechanical properties" and "wear resistance under many service conditions is better than that of other elastic materials". Thus, it would have been obvious to one of ordinary skill in the art to replace the polyurethane of Walker et al. with

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that taught by "Manual for the Rubber Industry" in order to provide an improved polyurethane with better mechanical properties and wear resistance.

Regarding claims 2-6 and 10, "Manual for the Rubber Industry" teaches the cross linking of the urethane with sulfur and the use of the other materials for forming the polyurethane.

Regrading claims 7 and 8, Walker et al. teach the use of a rubber carcass (20) as an inner layer.

Regarding claims 11-14 and 22, note the rejections of claims 1-8 and 10 above.

7. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. in view of "Manual for the Rubber Industry" and Schindler et al. The combination of Walker et al. in view of "Manual for the Rubber Industry" lacks the teaching for the inner layer to be foamed.

Schindler et al. reveal a basketball construction including a bladder (12), a layer of windings (14), an inner layer (16) of foamed rubber and a cover (18). It would have been obvious to one of ordinary skill in the art to replace the inner layer of Walker et al. with that of Schindler et al. for the reasons advanced by Schindler et al.

#### ***Information Disclosure Statement***

8. Regarding the articles "Manual for the Rubber Industry" and "UREPAN-Specialty Elastomers with a Wide Range of Applications for the Rubber Industry" the applicant has not provided a priority date for the publications. See 37 CFR 1.98(b) and MPEP 609A(1). The

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articles have been assumed to be prior art and applied as such, however, the applicant is required to submit a publication date for the articles.

***Conclusion***

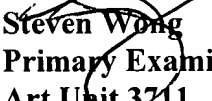
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is (703) 308-3135.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Official responses, subject to the provisions of 37 C.F.R. 1.6(d), can be faxed to (703) 305-3579.

Unofficial faxes which are meant for discussion purposes only should be sent to (703) 308-7768. It is strongly suggested that the examiner be contacted directly before sending any unofficial fax.

  
Steven Wong  
Primary Examiner  
Art Unit 3711

SBW  
May 25, 2001